

SO ORDERED,



*Jason D. Woodard*  
Judge Jason D. Woodard  
United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT  
IN THE NORTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**IN RE:**

**SHORT FORK DEVELOPMENT LLC**

**CASE NO. 23-13660 JDW**

**ORDER**

This matter having come on for consideration upon the Motion to Require Escrowed Subchapter V Trustee Payments (the "Motion") (DK#31), filed herein by Robert Alan Byrd, Subchapter V Trustee (the "Trustee") and the Court having considered the Motion and being fully advised in the premises, does hereby find as follows, to-wit:

1. Notice and opportunity for a hearing were adequate and appropriate under the circumstances.
2. The Trustee has been appointed as the Subchapter V Trustee in this Chapter 11 case.
3. There is no statutory requirement for the Debtor-in-Possession in a Subchapter V case to pay, or even escrow, fees and expenses of the Trustee (or any Trustee for that matter) while the case is pending and before confirmation of a Plan.
4. In many instances, Subchapter V cases end up being dismissed, or converted to a case under Chapter 7, with no funds being paid to the Subchapter V Trustee.
5. In addition, a number of Subchapter V cases are filed that simply are not going to be able to submit a feasible Chapter 11 Plan, and the earlier the parties in the case know that, the better off everyone will be.

6. Bearing all of these considerations in mind, the Court orders the Debtor to begin, immediately, depositing the sum of \$1,000.00 per month, starting February 1, 2024, with the funds to be held in the Trustee's IOLTA Trust Account pending an application for compensation and notice and a hearing in connection with such application. The escrowed funds will be used to defray the Trustee's compensation, if any. After any allowance and payment of fees and expenses any excess funds shall be returned to the Debtor. Monthly payments will cease once the Trustee has the sum of \$7,500.00 in the fee and expense escrow. Payments may resume pending further Order from the Court.

7. In the event the Debtor cannot afford to escrow \$1,000.00 per month, or in the event the Debtor (or its equity security holders) are unwilling or unable to come up with \$1,000.00 per month to fund an escrow, then the parties should know that sooner rather than later and take such actions as necessary.

8. The Trustee escrow payments shall be shown and reported on the Debtor's monthly operating reports.

9. Accordingly, the Court hereby grants the Motion.

**###END OF ORDER###**

In re:  
Short Fork Development, LLC  
Debtor

Case No. 23-13660-JDW  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0537-1

User: autodocke

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Date Rcvd: Jan 17, 2024

Form ID: pdf0003

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 19, 2024:

Recip ID	Recipient Name and Address
db	+ Short Fork Development, LLC, P.O. Box 909, Hernando, MS 38632-0909

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 19, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2024 at the address(es) listed below:

Name	Email Address
Craig M. Geno	on behalf of Debtor Short Fork Development LLC cmgeno@cmgenolaw.com, kcarter@cmgenolaw.com, cmgeno@ecf.courtdrive.com
Erin A McManus	on behalf of Creditor Committee Guaranty Bank and Trust Company emcmanus@watkinseager.com scook@watkinseager.com
Jim F. Spencer, Jr.	on behalf of Creditor Committee Guaranty Bank and Trust Company jspencer@watkinseager.com mryan@watkinseager.com
Robert A. Byrd	rab@byrdwiser.com rbyrdMSN@ecf.axosfs.com
Robert Alan Byrd	on behalf of Trustee Robert A. Byrd rab@byrdwiser.com
U. S. Trustee	

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User: autodocke

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Total Noticed: 1

USTPRegion05.AB.ECF@usdoj.gov

TOTAL: 6